

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Application By BellSouth Corporation For)	
Authorization Under Section 271 of the)	CC Docket No. 02-35
Telecommunications Act of 1996 to Provide)	
In-Region, InterLATA Services in Georgia)	
And Louisiana)	

COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY

The Alliance for Public Technology has consistently urged the Federal Communications Commission (FCC) to pursue the goal of Section 706 of the Telecommunications Act of 1996¹ in every relevant proceeding by encouraging the reasonable and timely deployment of advanced telecommunications capability to all Americans.² Section 706 authorizes the FCC and state telecommunications commissions to use "measures that promote competition in the local telecommunications market or other regulating methods to remove barriers to infrastructure investment," among other means, to achieve the goal of ubiquitous broadband deployment mandated by the Act.

The Alliance for Public Technology (APT) is a nonprofit organization of public interest groups and individuals. APT's members work together to foster broad access to affordable, usable information and communications services and technology for the purpose of bringing better and more affordable health care to all citizens, expanding educational opportunities for

¹ 47 USC 157 note.

² See, e.g., Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement section 706 of the 1996 Telecommunications Act, CC Docket No. 9244 (Feb. 18, 1998) (APT Petition) at 12-13.

lifelong learning, enabling people with disabilities to function in ways they otherwise could not, creating opportunities for jobs and economic advancement, making government more responsive to all citizens and simplifying access to communications technology. To this end, it is APT's goal to:

make available as far as possible, to all people of the United States, regardless of race, color, national origin, income, residence in rural or urban area, or disability high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunications services.³

The Alliance is not in a position to judge the compliance of any one company with respect to the 14-point checklist of requirements under Section 271. We do note, however, that both the Georgia and Louisiana Public Service Commissions have unanimously approved BellSouth's application and concluded that the company is in compliance with the checklist items in Section 271. According to the Louisiana PSC, BellSouth has agreements with 64 CLEC's in Louisiana, which were serving approximately 381,000 customer access lines as of January 2001. The FCC reported that as of December 31, 2000, CLEC's had a 14% market share in Louisiana, which was the third highest CLEC penetration in the country.⁴ In Georgia, the PSC found that CLEC's serve approximately 815,000 lines in BellSouth territory as of July 2001. 715,000 of the lines are facilities based and BellSouth is providing more than 228,000 unbundled local loops. The Georgia PSC stated "These results bear out the fact that BellSouth

³ Alliance For Public Technology, *Principles to Implement the Goal of Advanced Service* at 3 (1995).

⁴ Louisiana Public Service Commission Staff Report, Docket No. U-22252-E, at 23.

has made extensive efforts to open its local markets in compliance with the requirements of the Act.”⁵

BellSouth’s Georgia application has also been endorsed by the Atlanta Journal-Constitution, which stated “The company should get approval. Consumers could be the winners if it does.”⁶ Further, BellSouth’s self-executing performance assurance plan, which is based on the Southwestern Bell voluntary enforcement plan approved by the Texas Commission and also incorporates features of the Verizon plan, which was approved by the New York Commission and the FCC, protects against backsliding by putting \$625 million in penalties in BellSouth’s nine state region at risk annually for noncompliance.⁷

More importantly, BellSouth has demonstrated a commitment to increased investment in advanced telecommunications capabilities. According to the company, BellSouth has invested nearly \$36 billion in its network and approximately two-thirds of the traffic on the network is data. As of June 30, 2001 BellSouth had 3.8 million miles of fiber deployed.⁸ Authorization to provide in-region long distance service in Georgia and Louisiana will facilitate BellSouth’s capacity to build on economies of scale and scope in order to provide a high standard of service and accelerated deployment of advanced technologies to the consumers of Georgia and Louisiana.

In APT’s view, Section 271’s interLATA prohibitions constrain the widespread deployment of advanced telecommunications infrastructure and therefore undermine Section 706, which seeks to promote investment in ubiquitous high-speed networks. APT maintains the belief that expeditious approval under Section 271 serves the public interest. Such action would

⁵ Georgia Public Service Commission Report to the FCC at 2.

⁶ “Let BellSouth Enter Long Distance Market” *Atlanta Journal-Constitution*, Section F8, June 10, 2001.

⁷ Louisiana Public Service Commission Staff Report, Docket No. U-22252-C, at 212.

advance the goals of Section 706, and reaffirm the Commission's commitment to eliminating regulatory barriers to investment in high-capacity networks.⁹

The Commission again has the opportunity to bolster Section 706's impact by authorizing BellSouth to provide long distance telephone service in Georgia and Louisiana. APT strongly urges the Commission to seize this opportunity to increase facilities-based competition for local and long distance service, and promote ubiquitous broadband network deployment so that all Georgia and Louisiana residents, regardless of their income level, location of residence, or physical disabilities, may improve the quality of their lives through access to new sophisticated telecommunications.

APT has every reason to believe that Georgia and Louisiana customers, particularly low volume users, will reap the same gains from lower prices and bundled services that New York, Massachusetts, Texas, Kansas, Oklahoma, Arkansas, Missouri, Connecticut and Pennsylvania residents are experiencing with RBOC entry into those long distance markets. According to a Telecommunications Research and Action Center (TRAC) study, six months after Verizon's entry in New York, there was a Verizon long distance calling plan that was less expensive than any AT&T, WorldCom, or Sprint national plan for all long distance customers with typical calling patterns, except those who make a very large number of calls per month.¹⁰ In anticipation of and in response to SBC's entry into the Texas, Kansas and Oklahoma long-distance markets, incumbent long-distance carriers AT&T, WorldCom, and Sprint began to offer discounts on their

⁸ BellSouth document, "BellSouth's Commitment to the Deployment of Advanced Networks"

⁹ Comments of the Alliance for Public Technology Supporting Bell Atlantic's Request for Authority to Provide Long Distance Service in New York, In the Matter of Application by New York Telephone Company (d/b/a Bell Atlantic-New York) Bell Atlantic Communications, Inc., NYNEX Long Distance Company and Bell Atlantic Global Networks, Inc., for Authorization to Provide In-Region , InterLATA Services in New York, CC Docket No. 99-295 (Oct. 19, 1999))(APT NY Comments) at 2.

¹⁰ See Telecommunications Research & Action Center, A Study of Telephone Competition in New York, Sept. 6, 2000.

regular long-distance plans to customers who also signed up for local service. These discounts are in the form of bundled long-distance monthly fees with local service charges and credits for signing up for a local/long-distance bundle.¹¹

As BellSouth deploys its broadband networks, APT encourages the Commission to do all that it can to remove the barriers that inhibit the widest possible extension of these networks. Universal deployment will help all consumers, in Georgia, Louisiana and throughout the United States, to enjoy the benefits of advanced telecommunications capability.

APT respectfully recommends that the Commission authorize BellSouth to provide long distance service in Georgia and Louisiana.

Respectfully requested,

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¹¹ AT&T bundles residential local and long-distance service with a plan called “AT&T Local One Rate Texas.” See <http://www.att.com/local_service/tx/html/index.html> (visited Oct. 9, 2000); see also J.G. Smith/Johnson Joint Aff. ¶ 43 (AT&T offers this local one rate only in Texas and New York, the two “states in which the incumbent Bell Operating Company has been given access to AT&T’s long distance marketplace”). New York was the first state, followed by Texas, where MCI WorldCom started offering its bundled local and long-distance service referred to as “One Company Advantage.” See David DeKok, Competitor Calls on Verizon’s Mid-State Clients, Harrisburg Patriot-News, Sept. 14, 2000; Bill Sulon, Telephone Companies Prepare for Battle, Harrisburg Patriot-News, Aug. 27, 2000; see J.G. Smith/Johnson Joint Aff. ¶ 46. And Sprint currently bundles residential local and long-distance service for Texans in five different configurations. See Sprint Local Service – Texas, available at <<https://clec.sprint.com/servlet?CLEC?PAGE+TOCOMPARE&MKT=0003?>> (visited Oct. 9, 2000); see J.G. Smith/Johnson Joint Aff. ¶ 45.